

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of CODY DAVID BREWER, a/k/a
CODY FRESHOUR, Minor

FAMILY INDEPENDENCE AGENCY, f/k/a
DEPARTMENT OF SOCIAL SERVICES,

UNPUBLISHED
November 25, 1997

Petitioner-Appellee,

v

No. 199781
Cass Juvenile Court
LC No. 94-000378-NA

ROGER EUGENE BREWER,

Respondent-Appellant,

and

CINDY FRESHOUR,

Respondent.

Before: Jansen, P.J., and Fitzgerald and Young, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the juvenile court terminating his parental rights to the minor child under MCL 712A.19b(3)(c)(i), (g) and (j); MSA 27.3178(598.19b)(c)(i), (g) and (j). We affirm.

Respondent-appellant correctly argues that, because the circumstances which led the juvenile court to take jurisdiction over the child were different from that on which termination was sought, legally admissible evidence was necessary to establish the factual grounds for termination during the dispositional trial. MCR 5.974(E)(1); *In re Snyder*, 223 Mich App 85, 90; 566 NW2d 18 (1997). However, it is clear from the record that the court did not rely on inadmissible hearsay when determining that grounds for termination of respondent-appellant's parental rights existed. The court even noted in

its opinion that certain evidence was introduced and used solely for the best interest phase of the hearing, which was proper. MCR 5.974(F)(2). Finally, following a thorough review of the record, we find that the court did not clearly err in determining that termination was appropriate under §§ (c)(i); (g) and (j). MCR 5.974(I); *In re Cornet*, 422 Mich 274, 277; 373 NW 2d 536 (1985). Based on respondent-appellant's testimony alone, there was no reasonable expectation that he would be able to provide proper care and custody within a reasonable time given the age of the child.

Affirmed.

/s/ Kathleen Jansen

/s/ E. Thomas Fitzgerald

/s/ Robert P. Young, Jr.